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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 RICARDO DEL RIO, a California
resident, on behalf of himself, the proposed
16 class and collective class; JOSE
VALDIVIA, a California resident, on
17 behalf of himself, the proposed class and
collective class; JOSE PEREIRA, a
18 California resident, on behalf of himself,
the proposed class and collective class,

19 Plaintiffs,

20 v.

21 UBER TECHNOLOGIES, INC., a
22 Delaware Corporation, RASIER-CA, LLC,
a Delaware Limited Liability Company,
23 and DOES 1 through 10, inclusive,

24 Defendants.
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Case No. 3:15-cv-03667-EMC
[Related to 3:13-cv-03826-EMC]

**STIPULATION TO SUBMIT MATTER TO
BINDING ARBITRATION AND STAY
ACTION; ~~PROPOSED~~ ORDER**

Complaint Filed: August 11, 2015
FAC Filed: September 21, 2015
SAC Filed: April 27, 2016
Trial Date: None set

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STIPULATION

Plaintiffs Ricardo Del Rio, Jose Valdivia, and Jose Pereira (collectively “Plaintiffs”) and Defendants Uber Technologies, Inc. and Rasier-CA, LLC (collectively “Uber”) (Plaintiffs and Defendants are collectively referred to as the “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, on August 11, 2015, Plaintiff Del Rio filed the Complaint in this action in the United States District Court, Northern District of California, Case No: 3:15-cv-03667-EMC;

WHEREAS, on September 21, 2015, Plaintiff Del Rio amended his Complaint and added Tony Mehrdad Saghebian as a named Plaintiff in this action;

WHEREAS, on October 14, 2015 Defendants filed a motion to compel Plaintiffs Del Rio and Saghebian to arbitrate their claims on an individual basis and to dismiss their class claims, and the Court denied Defendants’ motion on December 16, 2015;

WHEREAS, on December 18, 2015 Defendants filed a notice of appeal of this Court’s order denying Uber’s motion to compel arbitration;

WHEREAS, on January 27, 2016, the United States Court of Appeals for the Ninth Circuit consolidated the appeal in this matter with the appeals from the denial of arbitration in *O’Connor et al. v. Uber Technologies, Inc.*, No. 15-17420 and *Yucesoy v. Uber Technologies, Inc.*, No. 15-17422 (collectively the “Consolidated Appeals”);

WHEREAS, on February 23, 2016 the Parties stipulated and agreed that Plaintiff Saghebian would pursue his claims in binding individual arbitration;

WHEREAS, on April 27, 2016, Plaintiff Del Rio filed a Second Amended Complaint adding Jose Valdivia and Jose Pereira as named Plaintiffs in this action;

WHEREAS, on September 25, 2018, the United States Court of Appeals for the Ninth Circuit issued its opinion in the Consolidated Appeals, reversing this Court’s order denying Defendants’ motion to compel arbitration;

WHEREAS, the Parties have met and conferred and agree that in light of the Ninth Circuit’s decision in the Consolidated Appeals, Plaintiffs’ shall submit the claims in their Second Amended Complaint to binding individual arbitration; and

WHEREAS, the Parties agree that that case management conference scheduled for April 18, 2019 should be vacated, and that the Parties' will provide a status update regarding the arbitrations in 120 days.

NOW THEREFORE, subject to the approval of this Court, it is hereby stipulated and agreed, by and between the parties, as follows:

1. Plaintiffs' claims in the Second Amended Complaint shall be submitted to binding individual arbitration before mutually agreeable arbitrators;

2. The above-captioned matter shall be stayed pending the decision of the arbitrators and the Court shall retain jurisdiction for purposes of enforcing this Stipulation and final arbitration orders or awards; and

3. The case management conference scheduled for April 18, 2019 shall be vacated, and the Parties' will provide a status update regarding the arbitrations in 120 days.

IT IS SO STIPULATED.

Dated: April 11, 2019

/s/ Chris Hamner

CHRISTOPHER J. HAMNER
HAMNER LAW OFFICES, APC
Attorneys for Plaintiffs
RICARDO DEL RIO, JOSE VALDIVIA and JOSE PEREIRA

Dated: April 11, 2019

/s/ Sophia Behnia

SOPHIA BEHNIA
LITTLER MENDELSON, P.C.
Attorneys for Defendants
UBER TECHNOLOGIES, INC. AND RASIER-CA, LLC

ATTESTATION OF FILER

I, Sophia Behnia, attest that concurrence in the filing of this document has been obtained from Christopher Hamner, which shall serve in lieu of his signature on this document.

Dated this 11th day of April, 2019.

/s/ Sophia Behnia
SOPHIA BEHNIA

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

1. Plaintiffs' claims in the Second Amended Complaint shall be submitted to binding individual arbitration before mutually agreeable arbitrators;

2. The above-captioned matter shall be stayed pending the decision of the arbitrators and the Court shall retain jurisdiction for purposes of enforcing this Stipulation and final arbitration orders or awards; and

3. The case management conference scheduled for April 18, 2019 shall be vacated, and the Parties' will provide a status update regarding the arbitrations in 120 days.

IT IS SO ORDERED.

Dated: April 11, 2019



The Honorable Edward M. Chen
United States District Judge